

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments, FM Broadcast Stations)
(Anniston and Ashland, AL, College Park,)
Covington, and Milledgeville, Georgia))

MM Docket No. 98-112
RM-9027
RM-9268

To: Chief, Allocations Branch

**MOTION FOR LEAVE TO CORRECT
CERTIFICATE OF SERVICE
TO REPLY COMMENTS**

Preston W. Small (Small), by his attorney, hereby requests that leave be granted to correct Mr. Small's September 15, 1998 Certificate of Service filed with Mr. Small's September 15, 1998 Reply Comments. In support whereof, the following is respectfully submitted:

1) Today undersigned counsel received a return from the Post Office of the September 15, 1998 Reply Comments he had filed for Mr. Small which were intended to be delivered to counsel for petitioner, WNNX License Investment Co. (WNNX). As explained in the attached letter which was hand served upon WNNX's counsel today, we are unaware of why it took the Post Office so long to return a piece of misaddressed mail.

2) It is noted that Mr. Small's August 31, 1998 Comments gave the same, albeit incorrect, address for WNNX's counsel and that WNNX's September 15, 1998 reply comments responded to

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Mr. Small's similarly misaddressed mailing.¹ Because Mr. Small's Reply Comments were properly filed with the Commission and because the Reply Comments are the last pleading in the pleading cycle announced in the underlying NPRM, no party will be prejudiced by the correction of the certificate of service and the completion of the service of the Reply Comments upon WNNX.

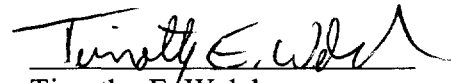
3) The Commission recognizes that service errors will occur and that as long as "there was a good faith effort to comply with the Commission's [service] Rules," Central Illinois Broadcasting Company, 10 FCC Rcd. 1617 ¶ 4 (Comm'n 1995), any such errors are not disqualifying. Instantly, Mr. Small's good faith is evidenced by a) timely filing his Reply Comments with the Commission, inclusion of a dated certificate of service in the Reply Comments as required by the rules, c) reliance, albeit apparently misplaced, upon a previously used address, d) timely attempted service upon WNNX's counsel as evidenced by the certificate of service and by the copy of the mailing envelope attached hereto, and e) prompt completion of service, by hand, upon discovery of the addressing error. We regret the error and any inconvenience it may have caused.

WHEREFORE, in view of the information presented herein, it is respectfully submitted that acceptance of the instant corrective filing will serve the public interest.

Hill & Welch
1330 New Hampshire Ave., N.W. #113
Washington, D.C. 20036
(202) 775-0070
(202) 775-9026 (FAX)
welchlaw@clark.net

October 20, 1998

Respectfully submitted,
PRESTON W. SMALL


Timothy E. Welch

His Attorney

¹ Undersigned counsel was not advised that the service list in Mr. Small's August 31, 1998 Comments contained an address error for WNNX's counsel.

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October 20, 1998

Mark N. Lipp, Esq.
Shook, Hardy & Bacon
1850 K Street N.W. Suite 900
Washington, D.C. 20006-2244

Dean George Hill
Timothy E. Welch

BY HAND

Re: Reply Comments

Dear Mark:

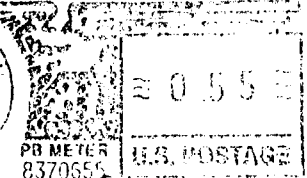
Enclosed please find my unopened September 15, 1998 reply comment mailing to you. Unfortunately, I inadvertently placed the wrong address on the envelope. While I assume you obtained a copy from the FCC's files, I wanted to complete service of the document. We only received the letter back from the Post Office today, who knows what the Post Office has been doing with it all this time. I am filing a corrected certificate of service with the FCC today. I apologize for any inconvenience this might have occasioned.

Sincerely,



Timothy E. Welch

enclosure

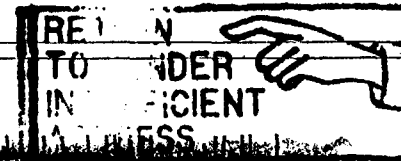


Mark N. Lipp
Shook, Hardy and Bacon
801 K Street, N.W. #600
Washington, D.C. 20004

Handwritten signature: J. J. 649 D

Law Offices
Hill & Welch

1330 New Hampshire Ave.,
Suite 113
Washington, D.C. 20036



CERTIFICATE OF SERVICE

I hereby certify that I have this 20 day of October 1998 served a copy of the foregoing
MOTION FOR LEAVE TO CORRECT CERTIFICATE OF SERVICE TO REPLY COMMENTS
United States mail, postage prepaid, upon the following:


Mark N. Lipp
Shook, Hardy and Bacon
1850 K Street, N.W. Suite 900
Washington, D.C. 20006-2244*

Kathy Archer, Vice President
CapStar Broadcasting Partners
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Austin, TX 78701

Joan Reynolds
Brantley Broadcast Associates
415 North College Street
Greenville, AL 36037

James R. Bayes
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1776 K Street, N.W.
Washington, D.C. 20006

Kevin F. Reed
Dow Lohnes & Albertson PLLC
1200 New Hampshire Ave., N.W. #800
Washington, D.C. 20036


Timothy E. Welch

*By Hand